

REMARKS/ARGUMENTS

In response to the Office Action mailed May 3, 2007, Applicant amends his application and requests reconsideration. No claim is added or cancelled so that claims 1-11 remain pending.

In this Amendment the claims have been amended for clarity and to correspond to claims of the corresponding European patent application which has matured into European Patent EP 1 565 324 B1, published November 29, 2006.

The invention is directed to a document filing folder including covers, referred to as sheets, connected by a binding. Notebook pages are connected by a binding, between the sheets. Amended claim 1, the sole pending independent claim, makes clear that the notebook pages that are securely fastened to, i.e., linked to, a binding, which may be spiral. At least one of the sheets includes foldable flaps at at least two edges of the sheet. At least some of the notebook pages may be stored under the flaps of the first sheet with the flaps folded over the notebook pages. This arrangement allows storage of the pages at a particular location for easy resort to the same location amongst the notebook pages at a later time. Those pages stored are not detached from and are still held in place on the binding that binds together the first and second sheets, i.e., the anterior and posterior covers. The continued attachment to the binding prevents loss of the pages. By unfolding the flaps, the pages are again fully accessible.

Claims 2-11 have been amended to be consistent with the clarified language of claim 1.

Claims 1 and 3 were rejected as anticipated by Herlitz (DE 200 07 208 U1). This rejection is respectfully traversed.

The document holder described in Herlitz consists of front and rear covers that can be held together by a binding. One of those covers includes a pair of flaps 32 and 33 that are folded against an interior side of the front cover 21 and glued together

where there is an overlap, i.e., adjacent ends 32a and 33a. Thus, the flaps form a pouch or pocket that is fixed in position on the inside of one of the covers.

In the structure described by Herlitz, pages 11 are mounted on a spiral binding 18a. Once those pages are used, they must be detached from the spiral binding in order to be insertable in and stored within the pouch formed by the flaps 32 and 33, because the flaps are glued to each other. Those detached pages are inserted along the directions indicated by the arrows X and X1 in Figure 2 of Herlitz. It is not possible, because of the flaps, to place any of the pages 11 that are still attached to the binder in that pouch formed by the glued flaps.

By contrast, in the invention as defined by amended claim 1, the notebook pages that remain connected to the binding can be easily stored under the flaps and accessed from under the flaps, without detachment from the binding. To store notebook pages, the notebook pages are placed at the interior side of the first sheet, and the flaps are folded against the stored notebook pages. The continuing connection of the notebook pages to the binding provides assurance that the pages will not be lost, as can occur with the Herlitz structure. Likewise, in the invention, because the flaps can always be folded not only against or in a direction toward the interior side of the first sheet, but also away from the interior side of the first sheet, easy access can be obtained to stored notebook pages. This easy access to bound pages is impossible in Herlitz because the fixed pouch provided by the glued flaps 32 and 33 requires extraction of any notebook pages that have been stored in a way that is inconsistent with maintaining the linkage between the notebook pages and the binding.

Because of these differences, the claims 1 and 3 that are presented here cannot be anticipated by Herlitz. The rejection of examined claims 1 and 3 cannot properly be maintained.

Claims 2 and 4-11 were rejected as unpatentable over Herlitz in view of Gallot (FR 2 792 573). This rejection is respectfully traversed.

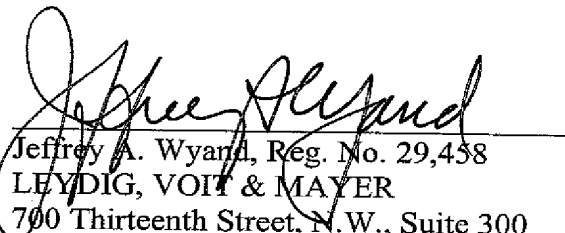
As an initial point, it is apparent that the rejection of dependent claims 2 and 4-11 is founded upon the assertion that Herlitz anticipates claim 1. Since, for the

reasons already presented, Herlitz does not anticipate claim 1, the rejection of claims 2 and 4-11 fails upon the withdrawal of the rejection of claim 1.

No combination of Herlitz and Gallot can produce all of the elements of the invention as defined by claim 1. Perhaps most fundamentally, it is apparent that there is no arrangement for attaching notebook pages 18 in Gallot to any binding. Rather, the binding 3 that is provided is strictly a binding of the front and rear sheets 1. Therefore, there cannot be in either Herlitz or Gallot an arrangement, as in the invention, in which the notebook pages are constantly maintained securely attached to the binding during use, during storage under the flaps, and after access of the notebook pages that have been previously stored under the flaps. For this second reason, the rejection of claims 2 and 4-11 cannot properly be maintained.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,


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